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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISION

12
13 **SOKCHEATH HIN,**

14 Plaintiff,

15 v.

16
17 **U.S. DEPARTMENT OF JUSTICE**
18 **UNITED STATES MARSHALS SERVICE,**
et al.,

19 Defendants.

No. 2:21-cv-0393 TLN-JDP

**STIPULATION AND ORDER TO
CONTINUE DEADLINE TO CONDUCT
FED. R. CIV. P 26(f) CONFERENCE**

Action Removed: March 3, 2021

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21 Under Federal Rules of Civil Procedure 6(b)(1) and 26(f)(1) and Local Rules 143 and
22 144(a), Plaintiff and Defendants State of California, County of San Joaquin, and San Joaquin
23 County Probation Officer Berchtold (Defendants), by and through their respective attorneys of
24 record, stipulate to and request an extension of the deadline to conduct the Federal Rule of Civil
25 Procedure 26(f) Conference. Based on the Court's March 3, 2021 Initial Pretrial Scheduling
26 Order (ECF No. 2), the last day for the parties to conduct the Rule 26(f) Conference is May 3,
27 2021. Good cause exists to continue the deadline because the Defendants' motions to dismiss are
28

1 pending and, if granted, may obviate the need for a Rule 26(f) Conference or may affect the
2 issues to be discussed at the Rule 26(f) Conference.

3 When an act must be done within a specified time, the court may, for good cause, extend
4 time with or without motion or notice if the court acts, or if the request is made, before the
5 original time expires. Fed. R. Civ. P. 6(b)(1)(A). Rule 26(f) requires the parties to confer as soon
6 as practicable, but no less than 21 days before a scheduling conference or as the court orders. Fed.
7 R. Civ. P. 26(f)(1).

8 In its Initial Pretrial Scheduling Order, the Court ordered the parties to conduct the Rule
9 26(f) Conference “[w]ithin sixty (60) days of service of the complaint on any party, or from the
10 date of removal.” (ECF No. 2 at 2:15-16.) This case was removed on March 3, 2021. (ECF No.
11 1.) Thus, the last day for the parties to conduct the Rule 26(f) Conference is May 3. However, on
12 March 24 and April 19, Defendants filed motions challenging the adequacy of the allegations in
13 the complaint. (ECF Nos. 12, 20.) The motion of the County Defendants is under submission.
14 (ECF No. 16.) Plaintiff’s opposition to the State’s motion is not due until May 13, 2021. (*See*
15 ECF No. 20.)

16 If any motion to dismiss is granted, it will likely result in another round of pleadings and
17 subsequent motions to dismiss. Also, not all the named Defendants have been served or have
18 appeared. Thus, conducting the Rule 26(f) Conference by May 3 is premature and may result in
19 an inaccurate or incomplete assessment of the discovery needed or issues raised in this case.

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1 Good cause therefore exists to continue the deadline to conduct the Rule 26(f) Conference. The
2 parties request that the Court set the deadline to fourteen days after the last Defendant answers the
3 operative complaint.

4 IT IS SO STIPULATED.

6 Dated: April 29, 2021

Respectfully submitted,

7 ROB BONTA
8 Attorney General of California
9 PETER A. MESHOT
Supervising Deputy Attorney General

10 */s/ Diana Esquivel*

11 DIANA ESQUIVEL
12 Deputy Attorney General
Attorneys for Defendant State of Cal.

13 Dated: April 28, 2021

LAW OFFICES OF SHARONA ESLAMBOLY
HAKIM

15 */s/ Narek Postajian* (as authorized 4/28/21)

16 SHARONA ESLAMBOLY HAKIM
17 NAREK POSTAJIAN
Attorneys for Plaintiff Sokcheath Hin

18 Dated: April 28, 2021

MAYALL HURLEY, P.C.

20 */s/ Mark E. Berry* (as authorized 4/28/21)

21 MARK E. BERRY
22 *Attorneys for Defendants County of San Joaquin*
23 *and San Joaquin County Probation Officer*
24 *Berchtold*

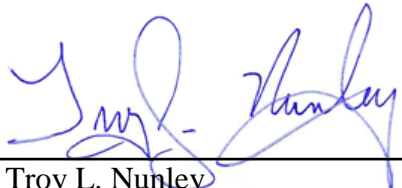
1 **ORDER**

2 Good cause appearing, the parties' stipulated request to continue the deadline to conduct the
3 Rule 26(f) Conference is GRANTED.

4 The parties shall confer as required under Federal Rule of Civil Procedure 26(f) no later
5 than fourteen days (14) from the date the last answer is filed with the Court.

6 IT IS SO ORDERED.

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8 Dated: April 29, 2021

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11 Troy L. Nunley
12 United States District Judge
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